

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YANIQUE THOMPSON and SELEMENG :
MOLUPE, :
Plaintiffs, : ORDER
- against - : 18-CV-00006 (AMD) (ST)
HYUN SUK PARK and SARPO, INC., :
Defendants. :
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ANN M. DONNELLY, United States District Judge:

On January 2, 2018, the plaintiffs brought this action against their employer, Hyun Suk Park, alleging violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). (ECF No. 1.) Defendant Park did not appear in this action or answer the complaint, and the plaintiffs obtained a certificate of default from the Clerk of Court on March 20, 2018. (ECF No. 9.) On May 8, 2018, the plaintiffs moved for default judgment. (ECF No. 11.) I referred the motion to Magistrate Judge Steven Tiscione for a Report and Recommendation (“R&R”); he issued a thorough and well-reasoned R&R, recommending that I deny the plaintiffs’ motion without prejudice and grant the plaintiffs leave to amend their complaint (ECF No. 14), which I adopted in its entirety (ECF No. 15).

On April 17, 2019, the plaintiffs filed an amended complaint, adding Sarpo, Inc. as a defendant. (ECF No. 16.) The plaintiffs served the defendants with the amended complaint. (ECF Nos. 19, 20.) The defendants did not appear or answer the amended complaint, and the Clerk of Court entered a certificate of default on August 15, 2019. (ECF No. 22.)

On November 7, 2019, the plaintiffs filed their second motion for default judgment. (ECF No. 24.) I referred the motion to Judge Tiscione for an R&R. On September 1, 2020, Judge Tiscione, in another comprehensive R&R, recommended that I grant the plaintiffs' motion and hold the defendants jointly and severally liable for a judgment totaling \$194,364.76. (ECF No. 27.) The plaintiffs served the defendants with the R&R and filed a certificate of service on September 14, 2020. (ECF No. 28.) No party has filed any objections to Judge Tiscione's R&R, and the time to do so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)) (internal quotation marks omitted).

I have carefully reviewed Judge Tiscione's September 1, 2020 R&R and find no error. Accordingly, I adopt the R&R in its entirety. The plaintiffs' motion for default judgment is granted, and the defendants are jointly and severally liable for a judgment totaling \$194,364.76, consisting of: (1) \$40,388.28 in unpaid minimum wages (\$19,825.14 for Ms. Thompson; \$20,563.14 for Ms. Molupe); (2) \$26,440.28 in unpaid overtime wages (\$13,188.64 for Ms. Thompson; \$13,251.64 for Ms. Molupe); (3) \$21,635.82 in spread of hours pay (\$10,559.82 for Ms. Thompson; \$11,076.00 for Ms. Molupe); (4) \$88,464.38 in liquidated damages (\$43,573.60 for Ms. Thompson; \$44,890.78 for Ms. Molupe); (5) \$12,500.00 in statutory damages (\$5,000.00 for Ms. Thompson; \$7,500.00 for Ms. Molupe); (6) \$4,416.00 in attorneys' fees; and (7) \$520 in costs. The plaintiffs are also awarded pre-judgment and post-judgment interest, to be calculated

as set forth in Judge Tiscione's R&R. The Clerk of Court is respectfully directed to enter judgment accordingly and close this case.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
September 30, 2020